

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: SUSAN R. BOLTON

Date: October 3, 2019

USA v. Abdul Malik Abdul Kareem

Case Number: CR-15-00707-1-PHX-SRB

Assistant U.S. Attorney: Kristen Brook and Joseph Koehler (both appearing telephonically)
Attorney for Defendant: Daniel Drake and Daniel Maynard, CJA (both appearing telephonically)

Interpreter: N/A

Defendant: ☒ Present (telephonically) ☒ Custody

PROCEEDINGS: X Open Court SEALED

3:03 p.m. This is the time set for Telephonic Conference re: Government's Motion for Clarification of Court's Order Setting Evidentiary Hearing (Doc. 579). The Court clarifies with counsel that the Evidentiary Hearing set on October 15, 2019, is limited to the issues surrounding the pole camera and its failure to be disclosed until May 2019. The Court notes that Defendant's Supplemental Motion for New Trial argues the footage is *Brady* material.

Discussion held regarding information sharing and organization of the cases within the FBI.

Government's counsel advises the Court that the Government's Reply at Doc. 604 and the Government's Hearing Memorandum (Doc. 607) set forth the testimony that the Government will be presenting at the Evidentiary Hearing, as well as the names of Government witnesses.

Defense counsel advise the Court that the subpoena will not be served on Sharon McAllister who is no longer an employee of the FBI and that she will not be called to testify.

Government's Motion to Quash Subpoena as to Joseph Koehler (Doc. 606) is discussed. The Court will not quash the subpoena at this time. Defense counsel may not call Mr. Koehler to testify at the Evidentiary Hearing until after the other witnesses have testified. Defense counsel will need to articulate a compelling need for the testimony of Mr. Koehler.

Regarding the Joshua Goldberg information, the Court will not expand the hearing to cover any of that information. Said information can be addressed by briefs and argument.

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Regarding disclosure of documents relating to the pole camera, Government's counsel advises that it has additional documents it will be disclosing in the next day or so and that some of the Defense requests for documents are attached to its Hearing Memorandum. Defense counsel are to review the documents and if they believe other documents should be disclosed counsel are directed to discuss the additional requested documents with Government's counsel.

3:39 p.m. Court is adjourned.

Recorded By Charlotte Powers
Deputy Clerk Maureen Williams